

GENERAL ORDINANCE NO. G-17-93

AN ORDINANCE creating a new Chapter 118 in the City Code to establish policies and user fees for festival events in the City of Fort Wayne, Indiana.

WHEREAS, the City of Fort Wayne has festival events which add to the quality of life and highlight the culture of our community; and

WHEREAS, the City of Fort Wayne desires the ability to recover a portion of the tax dollars which support the additional municipal services required to serve festival events.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Fort Wayne City Code is hereby amended by adding a new Chapter 118 to read as follows:

CHAPTER 118: FESTIVALS

118.01. Definitions. For the purposes of this Chapter, the terms stated below shall have the following meanings:

"Festival" is as an event held for more than one day with a special title and conducted in one location or more, promoted to attract patrons from the City and surrounding communities, which is planned, named and executed under the total auspices of a not-for-profit organization.

"Festival Sponsor" is an organization, association, individual or business which plans, names and administers a festival.

"Official Festival Event" is an event or activity sponsored by the Festival Sponsor.

"Unofficial Festival Activity" is an event or activity open to the public during a Festival but which is sponsored by an organization, association, individual or business not affiliated with the Festival Sponsor.

"Festival Police Overtime Expenses" are direct expenses incurred by the City of Fort Wayne Police Department for compensation to police officers for overtime hours worked during a festival for protection of festival-related events and festival attendees.

118.02. Festival-Related Activities on City-Owned Property or Rights of Way, Including Streets, Sidewalks and Alleys. Any Festival which has Official Festival Events held partially or entirely on City-owned property

25% COTTON FIBER

or rights of way, including streets, sidewalks and
alleys, or whose attendees create a need for police
protection due to motor vehicle or pedestrian traffic on
public rights of way, shall be subject to the payment of
various user fees to the City of Fort Wayne, as described
below:

A. Leasing City-Controlled Parking Lots. The Board of Public Works shall establish a policy and a rental schedule for the leasing of City-controlled parking areas: the City-County Building Parking Lot, the Freimann Square Parking Lot and the Old Fort Parking Lot.

B. Utilizing City Parks. The Fort Wayne Board of Parks and Recreation shall establish a policy and a rental schedule for the use of City parks.

C. Festival Right of Way Permits. The City Right of Way Department shall administer all barricade, sidewalk and parade permits. The Board of Public Works shall establish policies, regulations, liability insurance requirements and fees for barricade permits issued for the use of City rights of way during a festival. Such policies, regulations, liability insurance requirements and fees must include, but shall not be limited to, the following:

1. If the sponsor of an Unofficial Festival Activity is a single business entity located within the area where the Activity is to occur, said sponsor may not receive a barricade permit for more area of City right of way than is directly adjacent to the property of said business entity.

2. Failure to comply with any policy, regulation or requirement issued by the Board of Public Works shall be grounds to revoke a barricade permit.

D. Police Department Cost Recovery. All Festival Sponsors held partially or entirely on City-owned property or rights of way, including streets, sidewalks and alleys, shall be subject to the payment of user fees to the City of Fort Wayne for Festival Police Overtime Expenses according to the following terms:

1. The City of Fort Wayne shall not charge for the first one-hundred (100) hours of police overtime expenses during any Festival.

2. After 100 hours of police overtime are reached, the Festival Sponsor shall be billed for 25% of the additional Festival Police Overtime incurred. The bill for these charges shall be fully documented as to the date, time and number of police officers working on an overtime basis, and shall be presented to the Festival

Sponsor by the Board of Public Works within one month after the conclusion of the festival "up to one hour after the closing time of the Festival-sponsored event". A festival's bill for overtime police hours shall not increase more than 25% over the average of police overtime costs for the prior year of that festival.

3. The Festival Sponsor must pay the police overtime bill no later than November 30 of the year in which the bill was incurred.
4. Festivals with a duration of 1 day or less will be exempt from Festival Police Overtime Expenses.
5. If the Fort Wayne Police Department rents barricades to assist in traffic and crowd protection related to an Official Festival Event, even if the Festival Sponsor pays for no police overtime expenses, those barricade charges will be passed on to the Festival Sponsor. Similarly, if the Police Department rents barricades to assist in traffic and crowd protection related to an Unofficial Festival Activity, those barricade charges will be passed on to sponsor of the Unofficial Festival Activity. In the event that barricades are rented by the Police Department for use in an area directly between official and unofficial events, the costs for those barricades will be divided evenly among all adjacent sponsors.

D. Fire Department Festival Support Services -

1. For any Official Festival Event or Unofficial Festival Activity with a duration of 1 day or less, the Fort Wayne Fire Department will provide, at no cost to the event's or activity's sponsor, the following services:
 - a. Scuba team rescue squads when requested and deemed necessary for water sport events in any of Fort Wayne's three rivers.
 - b. Fire Department personnel to assist in public safety for fireworks events.
2. For Official Festival Events only, the Fort Wayne Fire Department shall provide property washdown services. Charges for the service shall be for materials only, (i.e. H2O, detergent) as determined annually by the Board of Public Safety. The Board of Public Safety shall also adopt a policy regulating washdown service. This service shall not be provided to the sponsors of Unofficial Festival Activity.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

David C. Long

Council Member

FOUR STAR BRAND
SOUTHWORTH CO. U.S.A.
25% COTTON FIBER

Read the first time in full and on motion by Long, seconded by _____, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: 4-13-93

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Six Justices, seconded by _____, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
TOTAL VOTES	<u>6</u>			<u>3</u>
BRADBURY				<u>✓</u>
EDMONDS	<u>✓</u>			
GiaQUINTA	<u>✓</u>			
HENRY				<u>✓</u>
LONG				<u>✓</u>
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 5-4-93

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. 9-17-93 on the 4th day of May, 1993

ATTEST:

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

(SEAL)
Mark P. GiaQuinta
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 5th day of May, 1993, at the hour of 11:30 o'clock PM, M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 6th day of May, 1993, at the hour of 10:30 o'clock PM, M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR



THE CITY OF FORT WAYNE



Paul Helmke
Mayor

MEMO April 12, 1993

TO: Fort Wayne City Council

D-93-04-12

FROM: Ann Smith, Linda Buskirk, Rick Orr & J. Timothy McCaulay

RE: Proposed festival ordinance and proposed amendments to the Transient Merchant ordinance

The City of Fort Wayne is fortunate to enjoy several festivals which celebrate our people and community. City government is committed to providing many services to all festivals. However, a tight city budget has the City struggling to provide festival services and services which citizens and neighborhoods expect throughout the year. For instance, in 1992 as City Council investigated whether revenues were available to fund the D.A.R.E. program at current levels, the City Police Department spent approximately \$72,000 on overtime for the Three Rivers Festival alone.

Two proposals have been drafted which would enable government to recoup some of its festival-related expenses. Fairness to all, including taxpayers, is the goal of these two festival-related proposals. Not all festivals require the same level of taxpayer-supplied services, so not all should be expected to pay the same amount of any "festival fees". Similarly, it would not be fair to target only the biggest festival to pay fees.

Under the first proposal, City government would donate up to 100 hours of police overtime to any festival. Any festival for which more than 100 hours of police overtime is supplied would be charged an amount equal to 25-percent of the cost of the additional hours.

The second proposal involves amending the Transient Merchant Ordinance to differentiate between transient merchants who sell alcohol and those who don't, and those who operate carnivals and those who don't. A festival organization could still receive, at no charge, one "blanket" transient merchant permit for its entire festival and all of its official participants. However, private beer tent operators and private carnival operators would be required to pay a minimum of \$500.00 per day for their permits, if these changes are approved as currently proposed.

The Transient Merchant ordinance amendments are designed to help the City recoup its police department overtime expenses caused by the presence of independent, non-festival beer tents and carnivals which take advantage of festival crowds and so create bigger crowds and require more police presence.

Below is a summary of both proposals:

What the ORDINANCE would do:

- 1) Redefines a Festival by saying that a Festival is an event sponsored by a not-for-profit organization. Therefore, a differentiation is made between Festival Sponsor and sponsor(s) of activities which take advantage of a festival's existence.
- 2) Limits the amount of space for which a barricade permit may be issued to a property-owner during a festival to the space directly adjacent to his/her property.
- 3) Creates police user fees:

City will incur up to 100 hours of police overtime before charging the fee.

Fee = 25% of additional police expenses incurred during a festival (after the first 100 hours).

Exempts festivals lasting 1 day or less.

- 4) Defines what the Fire Department will do for free for festivals and allows the Fire Dept. to charge for "property washdown" services, at a rate to be determined by the Board of Public Safety.

What the Transient Merchant Ordinance AMENDMENTS would do:

- 1) Creates a mechanism for the city to be compensated for the additional costs it incurs as a result of beer tent and carnival activity.
- 2) Differentiates between transient merchants who don't operate carnivals or sell alcohol and those who do.

- 3) Increases the transient merchants fee for alcohol-selling merchants or carnival-operating merchants from \$250.00 for a multi-day permit to the following schedule:

DAYS	HOURS	RATE
Sunday - Thursday	Before 11:00 P.M.	\$500.00 per day
Sunday - Thursday	After 11:00 P.M.	\$300.00 per hour
Friday, Saturday & Holidays	Before 11:00 P.M.	\$1,000.00 per day
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- 4) Exempts alcohol-selling and carnival-operating merchants from needing a "Transient Merchant/Alcohol" permit or "Transient Merchant/Carnival" permit if they are subject to the police overtime fees or if they are a not-for-profit organization.
- 5) Stipulates that a transient merchant wanting to sell alcohol AND operate a carnival must purchase BOTH types of permits.

Festivals and special events help create the image of an exciting city engaged in a continuous celebration of itself. Fort Wayne is fortunate to have a diverse array of these festivals which promote the downtown business district, commemorate our heritage, uplift the lives of our citizens and attract visitors - all at the same time.

In order to insure that festivals can do all these things in an environment that is safe to the public and fair to local taxpayers, City Council is asked to consider the proposed festival ordinance and the amendments to the transient merchants ordinance.

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WHEREAS, the City of Fort Wayne desires the ability to recover a portion of the tax dollars which support the additional municipal services required to serve festival events.

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"Festival Police Overtime Expenses" are direct expenses incurred by the City of Fort Wayne Police Department for compensation to police officers for overtime hours worked during a festival for protection of festival-related events and festival attendees.

118.02. Festival-Related Activities on City-Owned Property or Rights of Way, Including Streets, Sidewalks and Alleys. Any Festival which has Official Festival Events held partially or entirely on City-owned property

1 or rights of way, including streets, sidewalks and
2 alleys, or whose attendees create a need for police
3 protection due to motor vehicle or pedestrian traffic on
4 public rights of way, shall be subject to the payment of
5 various user fees to the City of Fort Wayne, as described
6 below:

- 7 A. Leasing City-Controlled Parking Lots. The
8 Board of Public Works shall establish a policy
9 and a rental schedule for the leasing of City-
10 controlled parking areas: the City-County
11 Building Parking Lot, the Freimann Square
12 Parking Lot and the Old Fort Parking Lot.
- 13 B. Utilizing City Parks. The Fort Wayne Board of
14 Parks and Recreation shall establish a policy
15 and a rental schedule for the use of City
16 parks.
- 17 C. Festival Right of Way Permits. The City Right
18 of Way Department shall administer all
19 barricade, sidewalk and parade permits. The
20 Board of Public Works shall establish
21 policies, regulations, liability insurance
22 requirements and fees for barricade permits
23 issued for the use of City rights of way
24 during a festival. Such policies,
25 regulations, liability insurance requirements
26 and fees must include, but shall not be
27 limited to, the following:
- 28 1. If the sponsor of an Unofficial Festival
29 Activity is a single business entity
30 located within the area where the
31 Activity is to occur, said sponsor may
32 not receive a barricade permit for more
area of City right of way than is
directly adjacent to the property of said
business entity.
2. Failure to comply with any policy,
regulation or requirement issued by the
Board of Public Works shall be grounds to
revoke a barricade permit.
- 33 D. Police Department Cost Recovery. All Festival
Sponsors held partially or entirely on City-
owned property or rights of way, including
streets, sidewalks and alleys, shall be
subject to the payment of user fees to the
City of Fort Wayne for Festival Police
Overtime Expenses according to the following
terms:
1. The City of Fort Wayne shall not charge
for the first one-hundred (100) hours of
police overtime expenses during any
Festival.
2. After 100 hours of police overtime are
reached, the Festival Sponsor shall be
billed for 25% of the additional Festival
Police Overtime incurred. The bill for
these charges shall be fully documented

1 as to the date, time and number of police
2 officers working on an overtime basis,
3 and shall be presented to the Festival
4 Sponsor by the Board of Public Works
within one month after the conclusion of
the festival.

5 3. The Festival Sponsor must pay the police
6 overtime bill no later than November 30
of the year in which the bill was
incurred.

7 4. Festivals with a duration of 1 day or
8 less will be exempt from Festival Police
Overtime Expenses.

9 5. Before any barricade permit may be issued
10 to the sponsor of a Festival subject to
11 item #2 above, the permit applicant must
12 post a cash or surety bond in the amount
13 determined by the City to be the
equivalent of 25% of the additional
police overtime incurred by the City
during the same festival in the previous
calendar year.

14 6. If the Fort Wayne Police Department rents
15 barricades to assist in traffic and crowd
16 protection related to an Official
17 Festival Event, even if the Festival
18 Sponsor pays for no police overtime
19 expenses, those barricade charges will be
20 passed on to the Festival Sponsor.
21 Similarly, if the Police Department rents
22 barricades to assist in traffic and crowd
23 protection related to an Unofficial
Festival Activity, those barricade
charges will be passed on to sponsor of
the Unofficial Festival Activity. In the
event that barricades are rented by the
Police Department for use in an area
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events, the costs for those barricades
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sponsors.

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25 1. For any Official Festival Event or
26 Unofficial Festival Activity with a
27 duration of 1 day or less, the Fort Wayne
28 Fire Department will provide, at no cost
to the event's or activity's sponsor, the
following services:

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30 requested and deemed necessary for
water sport events in any of Fort
Wayne's three rivers.

31 b. Fire Department personnel to assist
32 in public safety for fireworks
events.

2. For Official Festival Events only, the
Fort Wayne Fire Department shall provide
property washdown services at rates
adopted annually by the Board of Public
Safety. The Board of Public Safety shall

also adopt a policy regulating washdown service. This service shall not be provided at any cost to the sponsors of Unofficial Festival Activity.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.


Council Member

APPROVED AS TO FORM
AND LEGALITY


J. TIMOTHY MCCAULAY, CITY ATTORNEY



SUGGESTED AMENDMENTS

to

PROPOSED ORDINANCE 118

118.02 D. 2. Amend the section by adding the words
"...up to one hour after the closing time of the Festival-
sponsored event." at the end of the first sentence. *OK*

118.02 D. 2. Add:

A festival's bill for overtime police hours shall not increase
more than 25% over the average of police overtime costs for
the prior ~~three~~ year of that festival. *OK*

~~118.02 D. 5. Amend the section by adding the following sentence:
Any festival which has been in existence for five (5) or more
consecutive years shall be exempt from the bonding
requirement.~~

Delete the whole section -

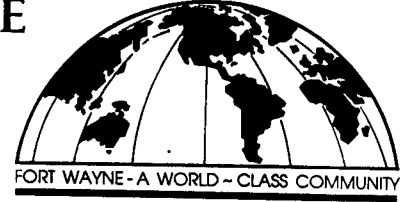
Delete Bond surety -

Change still





THE CITY OF FORT WAYNE



Paul Helmke
Mayor

MEMO April 12, 1993

TO: Fort Wayne City Council

FROM: Ann Smith, Linda Buskirk, Rick Orr & J. Timothy McCaulay

RE: Proposed festival ordinance and proposed amendments to the Transient Merchant ordinance

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Two proposals have been drafted which would enable government to recoup some of its festival-related expenses. Fairness to all, including taxpayers, is the goal of these two festival-related proposals. Not all festivals require the same level of taxpayer-supplied services, so not all should be expected to pay the same amount of any "festival fees". Similarly, it would not be fair to target only the biggest festival to pay fees.

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The second proposal involves amending the Transient Merchant Ordinance to differentiate between transient merchants who sell alcohol and those who don't, and those who operate carnivals and those who don't. A festival organization could still receive, at no charge, one "blanket" transient merchant permit for its entire festival and all of its official participants. However, private beer tent operators and private carnival operators would be required to pay a minimum of \$500.00 per day for their permits, if these changes are approved as currently proposed.

An Equal Opportunity Employer
One Main Street, Fort Wayne, Indiana 46802

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Exempts festivals lasting 1 day or less..

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DIGEST SHEET

TITLE OF ORDINANCE GENERAL ORDINANCE

DEPARTMENT REQUESTING ORDINANCE BOARD OF PUBLIC WORKS

SYNOPSIS OF ORDINANCE ESTABLISHES FESTIVAL POLICIES AND USER FEES
FOR FESTIVAL EVENTS.

EFFECT OF PASSAGE FESTIVAL POLICIES AND FEES CAN BE ESTABLISHED.

EFFECT OF NON-PASSAGE FESTIVAL POLICIES AND FEES CANNOT BE
ESTABLISHED.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) _____

ASSIGNED TO COMMITTEE (PRESIDENT) _____

AN ORDINANCE creating a new Chapter 118 in the City Code to establish policies and user fees for festival events in the City of Fort Wayne, Indiana.

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as to the date, time and number of police officers working on an overtime basis, and shall be presented to the Festival Sponsor by the Board of Public Works within one month after the conclusion of the festival, *add per [unclear] record [unclear]*

3. The Festival Sponsor must pay the police overtime bill no later than November 30 of the year in which the bill was incurred.
4. Festivals with a duration of 1 day or less will be exempt from Festival Police Overtime Expenses.
5. *Delete* Before any barricade permit may be issued to the sponsor of a Festival subject to item #2 above, the permit applicant must post a cash or surety bond in the amount determined by the City to be the equivalent of 25% of the additional police overtime incurred by the City during the same festival in the previous calendar year.
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service. This service shall not be
provided ~~at no cost~~ to the sponsors of
Unofficial Festival Activity.

SECTION 2. That this Ordinance shall be in
full force and effect from and after its passage and any
and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM
AND LEGALITY

J. Timothy McCaulay
J. TIMOTHY MCCAULAY, CITY ATTORNEY

DIGEST SHEET

TITLE OF ORDINANCE GENERAL ORDINANCE

DEPARTMENT REQUESTING ORDINANCE BOARD OF PUBLIC WORKS

SYNOPSIS OF ORDINANCE ESTABLISHES FESTIVAL POLICIES AND USER FEES
FOR FESTIVAL EVENTS.

EFFECT OF PASSAGE FESTIVAL POLICIES AND FEES CAN BE ESTABLISHED.

EFFECT OF NON-PASSAGE FESTIVAL POLICIES AND FEES CANNOT BE
ESTABLISHED.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) _____

ASSIGNED TO COMMITTEE (PRESIDENT) _____

BILL NO. G-93-04-12 *(as amended)*

REPORT OF THE COMMITTEE ON
REGULATIONS *of the White*

DAVID C. LONG & REBECCA J. RAVINE - CO-CHAIRPERSONS
LUNSEY, SCHMIDT

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) creating a new
Chapter 118 in the City Code to establish policies and user
fees for festival events in the City of Fort Wayne, Indiana

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

David C. Long

Rebecca J. Ravine

Lunsey

Schmidt

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

DATED: 5-4-93.

Sandra E. Kennedy
City Clerk



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

SANDRA E. KENNEDY, CITY CLERK

June 2, 1993

Ms. Connie Lambert
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the dates of
June 5 & June 12, 1993, in both the News Sentinel and
Journal Gazette.


RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-93-04-12 (as amended)
General Ordinance No. G-17-93
User fees for festival events

Please send us 3 copies of the Publisher's Affidavit from
both newspapers.

Thank you.

Sincerely yours,


Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 1

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

David C. Long
Council Member

Read the third time in full and on motion by GiaQuinta, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Six
Edmonds, GiaQuinta, Lunsey, Ravine,
Schmidt, Talarico

NAYS: None

ABSTAINED: None

ABSENT: Three

Bradbury, Long, Henry

DATED: 5-4-93

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-17-93 on the 4th day of May, 1993

ATTEST:

SEAL

Sandra E. Kennedy
City Clerk

Mark E. GiaQuinta
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 5th day of May, 1993, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy
City Clerk

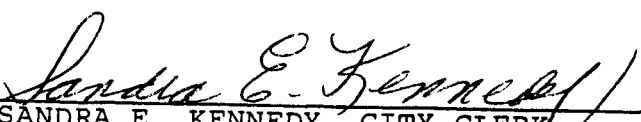
Approved and signed by me this 6th day of May, 1993, at the hour of 10:30 o'clock P.M., E.S.T.

Paul Helmke
Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of General _____ Ordinance No. G-17-93, passed by the Common Council on the 4th day of May, 1993, and that said Ordinance was duly signed and approved by the Mayor on the 6th day of May, 1993, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 7th day of May, 1993.

SEAL


SANDRA E. KENNEDY, CITY CLERK

Sponsor by the Board of Public Works within one month after the conclusion of the festival "up to one hour after the closing time of the Festival-sponsored event". A festival's bill for overtime police hours shall not increase more than 25% over the average of police overtime costs for the prior year of that festival.

3. The Festival Sponsor must pay the police overtime bill no later than November 30 of the year in which the bill was incurred.
4. Festivals with a duration of 1 day or less will be exempt from Festival Police Overtime Expenses.
5. If the Fort Wayne Police Department rents barricades to assist in traffic and crowd protection related to an Official Festival Event, even if the Festival Sponsor pays for no police overtime expenses, those barricade charges will be passed on to the Festival Sponsor. Similarly, if the Police Department rents barricades to assist in traffic and crowd protection related to an Unofficial Festival Activity, those barricade charges will be passed on to sponsor of the Unofficial Festival Activity. In the event that barricades are rented by the Police Department for use in an area directly between official and unofficial events, the costs for those barricades will be divided evenly among all adjacent sponsors.

D. Fire Department Festival Support Services -

1. For any Official Festival Event or Unofficial Festival Activity with a duration of 1 day or less, the Fort Wayne Fire Department will provide, at no cost to the event's or activity's sponsor, the following services:
 - a. Scuba team rescue squads when requested and deemed necessary for water sport events in any of Fort Wayne's three rivers.
 - b. Fire Department personnel to assist in public safety for fireworks events.
2. For Official Festival Events only, the Fort Wayne Fire Department shall provide property washdown services. Charges for the service shall be for materials only, (i.e. H2O, detergent) as determined annually by the Board of Public Safety. The Board of Public Safety shall also adopt a policy regulating washdown service. This service shall not be provided to the sponsors of Unofficial Festival Activity.

1 or rights of way, including streets, sidewalks and
2 alleys, or whose attendees create a need for police
3 protection due to motor vehicle or pedestrian traffic on
4 public rights of way, shall be subject to the payment of
5 various user fees to the City of Fort Wayne, as described
6 below:

7 A. Leasing City-Controlled Parking Lots. The
8 Board of Public Works shall establish a policy
9 and a rental schedule for the leasing of City-
10 controlled parking areas: the City-County
11 Building Parking Lot, the Freimann Square
12 Parking Lot and the Old Fort Parking Lot.

13 B. Utilizing City Parks. The Fort Wayne Board of
14 Parks and Recreation shall establish a policy
15 and a rental schedule for the use of City
16 parks.

17 C. Festival Right of Way Permits. The City Right
18 of Way Department shall administer all
19 barricade, sidewalk and parade permits. The
20 Board of Public Works shall establish
21 policies, regulations, liability insurance
22 requirements and fees for barricade permits
23 issued for the use of City rights of way
24 during a festival. Such policies,
25 regulations, liability insurance requirements
26 and fees must include, but shall not be
27 limited to, the following:

28 1. If the sponsor of an Unofficial Festival
29 Activity is a single business entity
30 located within the area where the
31 Activity is to occur, said sponsor may
32 not receive a barricade permit for more
area of City right of way than is
directly adjacent to the property of said
business entity.

2. Failure to comply with any policy,
regulation or requirement issued by the
Board of Public Works shall be grounds to
revoke a barricade permit.

3. Police Department Cost Recovery. All Festival
Sponsors held partially or entirely on City-
owned property or rights of way, including
streets, sidewalks and alleys, shall be
subject to the payment of user fees to the
City of Fort Wayne for Festival Police
Overtime Expenses according to the following
terms:

1. The City of Fort Wayne shall not charge
for the first one-hundred (100) hours of
police overtime expenses during any
Festival.

2. After 100 hours of police overtime are
reached, the Festival Sponsor shall be
billed for 25% of the additional Festival
Police Overtime incurred. The bill for
these charges shall be fully documented
as to the date, time and number of police
officers working on an overtime basis,
and shall be presented to the Festival

LEGAL NOTICE

Notice is hereby given that on the 4th day of
May, 19 93, the Common Council of the City
of Fort Wayne, Indiana, in a Special Session did pass
the following Bill No. G-93-04-12 (as amended) General
Ordinance No. G-17-93 to-wit:

BILL NO. G-93-04-12 (AS AMENDED)

GENERAL ORDINANCE NO. G-17-93

AN ORDINANCE creating a new Chapter
118 in the City Code to establish
policies and user fees for festival
events in the City of Fort Wayne,
Indiana.

WHEREAS, the City of Fort Wayne has festival
events which add to the quality of life and highlight the
culture of our community; and

WHEREAS, the City of Fort Wayne desires the
ability to recover a portion of the tax dollars which
support the additional municipal services required to
serve festival events.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON
COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Fort Wayne City Code is hereby
amended by adding a new Chapter 118 to read as follows:

CHAPTER 118: FESTIVALS

118.01. Definitions. For the purposes of this Chapter,
the terms stated below shall have the following meanings:

"Festival" is as an event held for more than one day
with a special title and conducted in one location or
more, promoted to attract patrons from the City and
surrounding communities, which is planned, named and
executed under the total auspices of a not-for-profit
organization.

"Festival Sponsor" is an organization, association,
individual or business which plans, names and administers
a festival.

"Official Festival Event" is an event or activity
sponsored by the Festival Sponsor.

"Unofficial Festival Activity" is an event or activity
open to the public during a Festival but which is
sponsored by an organization, association, individual or
business not affiliated with the Festival Sponsor.

"Festival Police Overtime Expenses" are direct expenses
incurred by the City of Fort Wayne Police Department for
compensation to police officers for overtime hours worked
during a festival for protection of festival-related
events and festival attendees.

118.02. Festival-Related Activities on City-Owned
Property or Rights of Way, Including Streets, Sidewalks

LEGAL NOTICE
Notice is hereby given that on the 4th day of May, 1993, the Common Council of the City of Fort Wayne, Indiana, in a Special Session did pass the following Bill No. G-93-04-12 (as amended) General Ordinance No. G-17-93 to-wit:
BILL NO. G-93-04-12 (AS AMENDED)
GENERAL ORDINANCE NO. G-17-93
AN ORDINANCE creating a new Chapter 118 in the City Code to establish policies and user fees for festival events in the City of Fort Wayne, Indiana.
WHEREAS, the City of Fort Wayne has festival events which add to the quality of life and highlight the culture of our community; and
WHEREAS, the City of Fort Wayne desires the ability to recover a portion of the tax dollars which support the additional municipal services required to serve festival events.
NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:
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Festival Sponsor is an organization, association, individual or business which plans, names and administers a festival.
Official Festival Event is an event or activity sponsored by the Festival Sponsor.
Unofficial Festival Activity is an event or activity open to the public during a Festival but which is sponsored by an organization, association, individual or business not affiliated with the Festival Sponsor.
Festival Police Overtime Expenses are direct expenses incurred by the City of Fort Wayne Police Department for compensation to police officers for overtime hours worked during a festival for protection of festival-related events and festival attendees.
118.02. Festival-Related Activities on City-Owned Property or Rights of Way including Streets, Sidewalks and Alleys. Any Festival which has Official Festival Events held partially or entirely on City-owned property or rights of way, including streets, sidewalks and alleys, or whose attendees create a need for police protection due to motor vehicle or pedestrian traffic on public rights of way, shall be subject to the payment of various user fees to the City of Fort Wayne, as described below:
A. Leasing City-Controlled Parking Lots. The Board of Public Works shall establish a policy and a rental schedule for the leasing of City-controlled parking areas: the City-County Building Parking Lot, the Freimann Square Parking Lot and the Old Fort Parking Lot.
B. Utilizing City Parks. The Fort Wayne Board of Parks and Recreation shall establish a policy and a rental schedule for the use of City parks.
C. Festival Right of Way Permits. The City Right of Way Department shall administer all barricade, sidewalk and parade permits. The Board of Public Works shall establish policies, regulations, liability insurance requirements and fees for barricade permits issued for the use of City rights of way during a festival. Such policies, regulations, liability insurance requirements and fees must include, but shall not be limited to, the following:
1. If the sponsor of an Unofficial Festival Activity is a single business entity located within the area where the Activity is to occur, said sponsor may not receive a barricade permit for more area of City right of way than is directly adjacent to the property of said business entity.
2. Failure to comply with any policy, regulation or requirement issued by the Board of Public Works shall be grounds to revoke a barricade permit.
D. Police Department Cost Recovery. All Festival Sponsors held partially or entirely on City-owned property or rights of way, including streets, sidewalks and alleys, shall be subject to the payment of user fees to the City of Fort Wayne for Festival Police Overtime Expenses according to the following terms:
1. The City of Fort Wayne shall not charge for the first one-hundred (100) hours of police overtime expenses during any Festival.
2. After 100 hours of police overtime are reached the Festival Sponsor shall be billed for 25% of the additional Festival Police Overtime incurred. The bill for these charges shall be fully documented as to the date, time and number of police officers working on an overtime basis, and shall be presented to the Festival Sponsor by the Board of Public Works within one month after the conclusion of the festival up to one hour after the closing time of the Festival-sponsored event. A festival's bill for overtime police hours shall not increase more than 25% over the average of police overtime costs for the prior year of that festival.
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SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.
David C. Long
Council Member
Read the third time in full and on motion by GiaQuinta, and duly adopted, placed on its passage.
PASSED by the following vote:
AYES: Six
Edmonds, GiaQuinta, Lunsey, Ravine, Schmidt, Talarico
NAYS: None
ABSTAINED: None
ABSENT: Three
Bradbury, Long, Henry
DATED: 5-4-93
Sandra E. Kennedy
City Clerk
Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-17-93 on the 4th day of May, 1993
ATTEST:
Sandra E. Kennedy City Clerk
Mark E. GiaQuinta Presiding Officer
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 5th day of May, 1993, at the hour of 11:30 o'clock A.M., E.S.T.
Sandra E. Kennedy City Clerk
Approved and signed by me this 6th day of May, 1993, at the hour of 10:30 o'clock P.M., E.S.T.
Paul Helmke Mayor
I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-17-93 passed by the Common Council on the 4th day of May, 1993, and that said Ordinance was duly signed and approved by the Mayor on the 6th day of May, 1993, and now remains on file and on record in my office.
WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 7th day of May, 1993.
SANDRA E. KENNEDY
CITY CLERK
#192

Board of Accounts
City of Fort Wayne
Allen County, Indiana

General Form No. 99P (Revised 1987)
To: The Journal-Gazette
P.O. Box 100
Fort Wayne, IN
Dr.

PUBLISHER'S CLAIM

Not to exceed two actual lines, neither of which shall total more than 10 lines of type in which the body of the advertisement is set) lines
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Cindy Gillenwater
Clerk
19 93
Title:
PUBLISHER'S AFFIDAVIT
State of Indiana)
) ss:
Allen County)
Personally appeared before me, a notary public in and for said county and state, the undersigned Cindy Gillenwater who, being duly sworn, says that he/she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time , the dates of publication being as follows:
6/5, 12/93
Cindy Gillenwater
ubscribed and sworn to before me this 12th day of June, 19 93.
Anne M. Perkins
Notary Public
NOTARY PUBLIC STATE OF INDIANA
ALLEN COUNTY
MY COMMISSION EXP. NOV. 29, 1993
y commission expires:

LEGAL NOTICE
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BILL NO. G-93-04-12 (AS AMENDED)
GENERAL ORDINANCE NO. G-17-93
AN ORDINANCE creating a new Chapter 118 in the City Code to establish policies and user fees for festival events in the City of Fort Wayne, Indiana.
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David C. Long
Council Member
Read the third time in full and on motion by GiaQuinta, and duly adopted, placed on its passage.
PASSED by the following vote:
AYES: Six
Edmonds, GiaQuinta, Lunsey, Ravine, Schmidt, Talarico
NAYS: None
ABSTAINED: None
ABSENT: Three
Bradbury, Long, Henry
DATED: 5-4-93
Sandra E. Kennedy
City Clerk
Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-17-93 on the 4th day of May, 1993
ATTEST:
Sandra E. Kennedy
City Clerk
Mark E. GiaQuinta
Presiding Officer
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 5th day of May, 1993, at the hour of 11:30 o'clock A.M., E.S.T.
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City Clerk
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Paul Helmke Mayor
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WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 7th day of May, 1993.
SANDRA E. KENNEDY
CITY CLERK
#192

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ounty, Indiana

PUBLISHER'S CLAIM

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or allowing all just credits, and that no part of the

, 19 93

Title:

Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)

) ss:

Allen County)

Personally appeared before me, a notary public in and for said county and state, the
undersigned Cindy Gillenwater

she is Clerk of the The News-Sentinel, newspaper of general
circulation printed and published in the English language in the (city) (town) of
Fort Wayne, IN

in state and county aforesaid, and that the printed matter
attached hereto is a true copy, which was duly published in said paper for
2 time, the dates of publication being as follows:

6/5, 12/93

Subscribed and sworn to before me this 12th day of June, 19 93

ANNE M. PERKINS Notary Public

NOTARY PUBLIC STATE OF INDIANA

ALLEN COUNTY

MY COMMISSION EXP. NOV. 29 1993

My commission expires: